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**FISCAL IMPACT STATEMENT**

**LS 7489**

**BILL NUMBER:** SB 377

**NOTE PREPARED:** Jan 6, 2009

**BILL AMENDED:**

**SUBJECT:** Low Carbon and Noncarbon Dioxide Emitting Plants.

**FIRST AUTHOR:** Sen. Boots

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that: (1) low carbon dioxide emitting or noncarbon dioxide emitting energy production or generating facilities; and (2) purchases of energy produced by such facilities; qualify for the financial incentives available for clean coal and energy projects. It provides that a combined heat and power facility qualifies as a renewable energy resource for purposes of the statute that provides financial incentives for clean coal and energy projects.

It provides that an eligible business may recover qualified utility system expenses, which include specified preconstruction costs, associated with a: (1) new energy production or generating facility; or (2) low carbon dioxide emitting or noncarbon dioxide emitting energy production or generating facility. It also makes technical changes.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** *Indiana Utility Regulatory Commission (IURC)*: This bill will increase administrative expenditures of the IURC by requiring the IURC to evaluate applications to determine eligibility for the financial incentives. It is estimated that the IURC will be able implement this provision with its existing level of resources.

*State And Local Utility Expenditures:* This bill could increase expenditures by state agencies for utilities to the extent that the provisions allowing for cost recovery would increase utility rates. The overall impact on expenditures is indeterminable.

**Explanation of State Revenues:** *Utility Rate Increases* - It is estimated that utility rates could increase under the bill due to the provision allowing for reasonable and necessary cost recovery for preconstruction costs

associated with a new energy production or generating facility or a low carbon dioxide emitting or noncarbon dioxide emitting energy production or generating facility.

To the extent that any of the provisions of this bill increase utility rates, there could be an increase in Utility Receipts Tax (URT), Utility Services Use Tax (USUT), and Sales Tax collections. The amount of any increase is indeterminable and will depend on rate adjustments allowed by the IURC for cost recovery.

**Background Information** - As used in this bill, "low carbon dioxide emitting or noncarbon dioxide emitting energy production or generating facility" means an energy production or generation facility that is intended to produce:

1. no carbon dioxide as a byproduct of the production or generation of energy; or
2. less carbon dioxide per megawatt hour of electricity generated than is produced per megawatt hour of electricity generated by a coal fired or other fossil fuel-based energy production or generating facility.

The term also includes the transmission lines and other associated equipment employed specifically to serve a low carbon dioxide emitting or noncarbon dioxide emitting energy production or generating facility.

**Taxes:** The rate for both the URT and USUT is 1.4%. The URT is calculated on the gross receipts of all entities providing the retail sale of utility services in Indiana. The USUT is imposed on the retail consumption of utility services in Indiana. Both the URT and USUT are deposited in the state General Fund.

Sales Tax revenue is deposited in the state General Fund (99.178%), the Public Mass Transportation Fund (0.670%), the Commuter Rail Service Fund (0.123%), and the Industrial Rail Service Fund (0.029%).

**Explanation of Local Expenditures:** See *Explanation of State Expenditures*

**Explanation of Local Revenues:** See *Explanation of State Revenues*.

**State Agencies Affected:** IURC; All.

**Local Agencies Affected:** All.

**Information Sources:**

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